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000 CONSTITUTION

OF THE

HUNGARIAN

PEOPLE'S REPUBLIC

BUDAPEST, 1949

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The armed forces of the great Soviet Uunion liberated our country from the yoke of the German fascists, crushed the power of the great landowners and capitalists who were ever hostile to the people, and opened the road of democratic progress to our working people. Having acceded to power in hard struggles fought against the masters and defenders of the old order, the Hungarian working class, in alliance with the working peasantry and with the generous assistance of the Soviet Union, rebuilt our war-ravaged country. Led by the experiences of the socialist revolution of 1919 and supported by the Soviet Union, our people began to lay down the foundations of socialism and now our country is advancing towards socialism along the road of a people's democracy. The already realized achievements of this struggle and this constructive work, the fundamental changes effected in the economic and social structure of our country, are embodied in the Constitution of the Hungarian People's Republic, which also indicates the direction of our further advance.

SECTION ONE

The Hungarian People's Republic

Article 1.

Hungary is a People's Republic.

Article 2.

1) The Hungarian People's Republic is a state of workers and working peasants.

2) In the Hungarian People's Republic all power belongs to the working people. The workers of town and country exercise their power through their elected representatives who are responsible and accountable to the people.

Article 3.

642 471 565 The Hungarian People's Republic defends the power and liberty of the Hungarian working people and the independence of the country; it opposes every form of the exploitation of man by man and organizes the forces of society for socialist construction. In the Hungarian People's Republic the close alliance of the workers and working peasantry is made a reality under the leadership of the working class.

SECTION TWO

The Social Structure.

Article 4.

642 471 1) In the Hungarian People's Republic the bulk of the means of production is owned, as public property, by the state, by public bodies or by co-operative organisations. Means of production may also be privately owned.

642 471 565 2) In the Hungarian People's Republic the force directing the national economy is the state power of the people. The working people gradually dislodge the capitalist elements and consistently build up a socialist system of economy.

Article 5.

642 471 The economic life of the Hungarian People's Republic is determined by a state national-economic plan. Basing itself on the publicly owned enterprises, the state banking system and the agricultural machine stations, the state directs and controls the national economy with the object of expanding the forces of production, increasing the national wealth, raising to an ever higher level the material and cultural standards of the working people and strengthening the defences of the country.

Article 6.

The land, its mineral resources, the forests, the waters, the natural sources of power, the mines, the large industrial enterprises, the means of communication such as railways, road, water and air transports, the banks, the postal, telegraph and telephone services, the wireless, the state-sponsored agricultural enterprises

such as state farms, machine stations, irrigation works and the like, are the property of the state and of public bodies as trustees for the whole people. All foreign and all wholesale trade is carried on by state enterprises, all other trade is under state supervision. 642* 471

Article 7.

1) The Hungarian People's Republic recognizes and guarantees the right of the working peasants to the land and regards it as its duty to assist the socialist development of agriculture by establishing state farms and machine stations and giving every support to productive co-operative societies based on voluntary association and joint work. 642* 423 474

2) The state recognizes and supports every genuine co-operative movement of the workers that is directed against exploitation.

Article 8.

1) The constitution recognizes and protects all property acquired by labour. 642* 421

2) Private property and private enterprise must not be such as to run counter to the public interest.

3) The constitution guarantees the right of inheritance.

Article 9.

1) In the Hungarian People's Republic labour is the base of the social order. 642* 461

2) Every able-bodied citizen has the right, and the duty to work to the best of his ability and is bound in honour to do so.

3) By their labour, by participation in work competitions, by tightening labour discipline and improving working methods, the workers serve the cause of socialist construction.

4) The Hungarian People's Republic strives to apply in practice the socialist principle: "From each according to his ability, to each according to his work."

SECTION THREE

The Highest Organs of State Authority.

Article 10.

1) The highest organ of state authority in the Hungarian People's Republic is Parliament. 642* 646

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646 2) Parliament exercises all the rights deriving from the sovereignty of the people and determines the organization, direction and conditions of government.

3) In accordance with this its competence Parliament:

a) creates legislation,

b) determines the state budget,

c) decides the national economic plan,

d) elects the Presidential Council of the People's Republic,

e) elects the Council of Ministers,

f) sets up and abolishes ministries and defines and changes the sphere of activity of the several ministries,

g) decides upon declaring war and concluding peace,

h) exercises the prerogative of amnesty.

Article 11.

1) Parliament is elected for a term of four years.

2) Members of Parliament may not be arrested or prosecuted without the consent of Parliament, except when taken in the act

[565] 3) All political, economic or other activity or conduct detrimental to the interests of the workers is incompatible with the quality of a Member of Parliament.

Article 12.

1) Parliament meets in regular session not less than twice a year.

2) Parliament must be convened at the written demand of one-third of its members or if the Presidential Council of the People's Republic so decides.

3) Parliament elects a speaker, two deputy speakers and six recorders from among its own members.

4) The sessions of Parliament are convened by the Presidential Council of the People's Republic.

5) Parliament lays down its own rules of procedure and agenda.

Article 13.

As a general rule, the sessions of Parliament are held in public. In exceptional cases Parliament may decide to hold a secret session.

Article 14.

1) The right of legislation is vested in Parliament.

2) Legislation can be initiated by the Presidential Council of the People's Republic, by the Council of Ministers and by any member of Parliament.

Article 15.

1) Parliament can take valid decisions only if at least one half of its members are present. 642x 646

2) Parliament decides issues by a simple majority.

3) Changes in the constitution require the votes of two-thirds of the members of Parliament.

Article 16.

Acts passed by Parliament are signed by the President and Secretary of the Presidential Council of the People's Republic. New acts are promulgated by the President of the Presidential Council. Promulgation is effected by publication in the official gazette.

Article 17.

1) Parliament may at need appoint, out of its own members, a committee to investigate any matter.

2) It is the duty of all public authorities, offices and institutions as well as of all citizens to put at the disposal of such parliamentary committees all the data required by the committee and also to give evidence before the committee if required to do so.

Article 18.

1) Parliament may pronounce its dissolution before the expiration of its term.

2) In the event of war or other emergency Parliament can prolong its mandate for a stated length of time.

3) In the event of war or other emergency the Presidential Council of the People's Republic can re-convene a Parliament that has already been dissolved. A Parliament thus convened can itself decide the duration of its mandate.

4) In the event of dissolution a new Parliament must be elected within not more than three months from the day of dissolution.

5) A newly elected Parliament must be convened by the Presidential Council of the People's Republic within one month of polling day.

Article 19.

1) At its first sitting Parliament elects from among its own members the Presidential Council of the People's Republic, consisting of a President, two Vice-Presidents, a secretary and seventeen members. 642x 645

x 642 645 2) The Chairman of the Council of Ministers, its Deputy Chairmen and its members are ineligible for election to the Presidential Council of the People's Republic.

Article 20.

1) The competence of the Presidential Council of the People's Republic extends to:

a) issuing the writ for a general election;

b) convening Parliament;

c) initiating legislation;

d) holding a plebiscite on matters of national importance;

e) concluding international treaties on behalf of the Hungarian People's Republic,

f) appointing diplomatic representatives and receiving the letters of credence of foreign diplomatic representatives;

g) ratifying international treaties;

h) appointing the higher civil servants and the higher officers of the armed forces, in accordance with the provisions of the law;

i) awarding the orders and titles instituted by Parliament and authorizing the acceptance of foreign orders and titles;

j) exercising the prerogative of mercy;

k) deciding issues specially submitted to its jurisdiction by an Act of Parliament.

2) The Presidential Council of the People's Republic may annul or modify any by-law, regulation or measure introduced by central or local organs of government, if they infringe the constitution or are detrimental to the interests of the working people.

3) The Presidential Council of the People's Republic may dissolve any local organ of government the activities of which infringe the constitution or are seriously detrimental to the interests of the working people.

4) When Parliament is not in session, its functions are exercised by the Presidential Council of the People's Republic; that body cannot, however, change the constitution.

5) The enactments of the Presidential Council of the People's Republic are legally binding decrees, which must, however, be submitted to Parliament at its next sitting.

6) All decisions and measures taken by the Presidential Council of the People's Republic are signed by the President and the Secretary of that body and must be published in the official gazette. 642* 645

Article 21.

1) The term of office of the Presidential Council of the People's Republic expires when Parliament elects a new Presidential Council of the People's Republic.

2) The Presidential Council of the People's Republic is responsible to Parliament and is under the obligation of rendering an account of its activities to Parliament.

3) Parliament has the right to recall the Presidential Council of the People's Republic or any member of it.

4) In order to make valid decisions, at least nine members of the Presidential Council of the People's Republic must be present, in addition to the President and Secretary.

5) The Presidential Council of the People's Republic draws up its own rules of procedure, which require the approval of Parliament.

SECTION FOUR

The Highest Organ of State Administration.

Article 22.

The highest organ of state administration is the Council of Ministers of the Hungarian People's Republic.

Article 23.

1) The Council of Ministers consists of

a) the Chairman of the Council of Ministers,

b) the Deputy Chairman or Chairmen of the Council of Ministers;

c) the Minister or Ministers of State;

d) the Ministers heading the various ministries.

2) The Council of Ministers or single members of it are elected to, or relieved of, office by Parliament on the recommendation of the Presidential Council of the People's Republic.

3) Members of the Council of Ministers who are not members of Parliament may attend the sittings of Parliament and take part in its debates.

Article 24.

642 645 The Ministries of the Hungarian People's Republic are:

the Ministry of Foreign Affairs;
the Ministry of Home Affairs;
the Ministry of National Defence;
the Ministry of Finance;
the Ministry of Justice;
the Ministry of Heavy Industry;
the Ministry of Light Industry;
the Ministry of Agriculture;
the Ministry of Foreign Trade;
the Ministry of Home Trade;
the Ministry of Building;
the Ministry of Communications and Postal Services;
the Ministry of Adult Education;
the Ministry of Religion and Public Education;
the Ministry of Social Welfare.

Article 25.

1) The Council of Ministers:

a) directs the work of the ministries and of the other organs immediately subordinate to it;

b) ensures the enforcement of the laws and of the decrees issued by the Presidential Council of the People's Republic;

c) ensures the fulfilment of the economic plans;

d) deals with all the matters subject to its jurisdiction.

2) In the execution of its duties the Council of Ministers may issue decrees which must not, however, infringe the law or the decrees issued by the Presidential Council of the People's Republic.

3) Decrees issued by the Council of Ministers are signed by its Chairman. Such decrees must be published in the official gazette.

4) The Council of Ministers is empowered to annul or modify any regulation, decision or measure of any central or local organ of government if such regulations, decisions or measures infringe the constitution or are detrimental to the interests of the working people.

Article 26.

1) The Chairman of the Council of Ministers presides over the meetings of the Council, provides for the execution of the orders and decisions of the Council and

directs the work of the organs immediately subordinate to it. 642 x 145

2) The Ministers direct the branches of state administration entrusted to them and the work of the organs immediately subordinate to them, in accordance with the laws and the decrees and decisions of the Council of Ministers.

3) In the execution of their duties the Chairman of the Council of Ministers and the Ministers are empowered to issue decrees, which may not, however, infringe the laws of the People's Republic or the decrees made by the Presidential Council of the People's Republic or its Council of Ministers. Such decrees must be published in the official gazette.

Article 27.

1) The Council of Ministers is responsible for its activities to Parliament and must render regular accounts of its work to that body.

2) The Chairman of the Council of Ministers (or his Deputy) and its members are individually responsible for their actions and conduct. A special law regulates the implementation of this responsibility.

3) Any member of Parliament may put to the Council of Ministers, its Chairman or members, questions relating to any matter within the competence of the persons named and such questions must be answered by them in the House of Parliament.

Article 28.

1) The Council of Ministers may take measures on any matter touching state administration either directly or through one of its members.

2) The Council of Ministers is empowered to take under its own immediate control any branch of the state administration and can set up special organs for this purpose.

SECTION FIVE

The Local Organs of State Power.

Article 29.

1) For purposes of administration the territory of the Hungarian People's Republic is divided up into counties, districts, towns and boroughs. Larger towns 642 x 631

642 and cities may be subdivided into smaller administrative
631 units.

2) Changes in the territorial jurisdiction of the various local administrative organs can be made by the Council of Ministers.

Article 30.

1) The local organs of state administration are the county council, the district council, the town council, the borough council and the town precinct council.

2) The members of the councils are elected by the voters in the area in question, for a term of four years in accordance with the principles established in connection with the election of members of Parliament.

3) The members of the local councils can be recalled by their constituents in accordance with the law.

Article 31.

1) The local councils exercise their administrative functions in their area of jurisdiction in accordance with the constitutionally created laws, decrees and other enactments and within the limits defined by their superior organs.

2) Local councils:

a) direct the economic, social and cultural activities in their area;

b) prepare the local economic plan and budget and supervise their fulfilment;

c) enforce the laws and the regulations made by superior organs;

d) direct and supervise the activities of the state administrative and executive organs subordinate to them;

e) ensure the maintenance of public order and the protection of public property;

f) protect the rights of the workers;

g) direct and supervise the activities of economic enterprises of a local character;

h) give support to the co-operative societies of the workers;

i) deal with all matters within their competence as defined by a valid enactment.

3) Local councils can issue regulations within the area of their jurisdiction; but such regulations must not infringe the laws, decree-laws, or decrees issued by the Council of Ministers, the Ministers, or a superior

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council. The orders issued by local councils must be promulgated according to the local custom. 642 631

4) Local councils can annul or modify the orders, decisions or measures of the councils subordinate to them, if such orders, decisions or measures infringe the constitution or a constitutionally created enactment.

Article 32.

1) The local councils exercise their functions in close contact with the population, ensure the active participation of the workers in the work of local government and encourage initiative and vigilance on their part.

2) Local councils must give an account of their activities to their constituents not less than twice every year.

Article 33.

1) The executive and administrative organs of the local councils are the Executive Committees, which they elect from among their own members.

2) The Executive Committee is presided over by a Chairman. Its business is conducted by a Secretary subordinate to the Chairman. The Chairman and his Deputy or Deputies, and the Secretary are elected by the Executive Committee from among its own members.

3) The Executive Committees are directly responsible to the local councils and to the Executive Committees of the superior councils. In their activities they must comply with the directives of the organs of state administration.

4) Local councils have the right to recall the Executive Committees as a whole or any of their members.

Article 34.

The organs of state administration may set up special departmental organs outside the local councils. Such special organs receive their general directives from the higher organs of state administration but in their immediate local activities are subordinate to the local Executive Committee.

Article 35.

Detailed regulations relating to the activities of the local councils and executive committees are the subject of a special Act of Parliament.

SECTION SIX

The Judicature.

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Article 36.

1) In the Hungarian People's Republic justice is administered by the Supreme Court of the Hungarian People's Republic, by the high courts, the county courts and the district courts.

2) By provision of the law special courts may be set up to deal with specific groups of cases.

Article 37.

The courts are composed of judges and lay members. The law can establish exceptions from this rule.

Article 38.

The Supreme Court of the Hungarian People's Republic exercises the right of supervising in principle the judicial activities and practice of all other courts. For this purpose the Supreme Court can establish directives and take decisions on questions of principle, which are then binding for all courts.

Article 39.

1) In the Hungarian People's Republic all judicial offices are filled by election and the elected judges may be recalled.

2) The judges of the Supreme Court and of the high courts are elected for a period of five years, the judges of the county and district courts for a period of three years.

3) The President and judges of the Supreme Court and the Presidents of the high courts are elected by Parliament.

4) The judges are accountable to their electors in respect of their judicial activities.

5) The election of the judges of the high courts, county courts and district courts is regulated by rules laid down in a special Act of Parliament.

Article 40.

1) The hearings before all courts of law are public unless otherwise prescribed by law.

2) All those accused before the courts are guaranteed the right of defence during the judicial proceedings.

Article 41.

1) The Courts of the Hungarian People's Republic punish the enemies of the working people, protect and safeguard the state, the social and economic order and the institutions of the people's democracy and the rights of the workers and educate the working people in the observance of the rules governing the life of a socialist commonwealth. 642* 692 681

2) Judges are independent and subject only to the law.

SECTION SEVEN

The Public Prosecutor.

Article 42.

1) The function of the Chief Public Prosecutor of the Hungarian People's Republic is to watch over the observance of the law. 642* 693

2) In the exercise of this function the Chief Public Prosecutor supervises the observance of the law by the ministries, the authorities, offices, institutions and other organs, by the local organs of the state executive and by citizens.

3) The Chief Public Prosecutor sees to it that all actions detrimental to, or endangering, the social order, security or independence of the Hungarian People's Republic be consistently prosecuted.

Article 43.

1) The Chief Public Prosecutor of the Hungarian People's Republic is elected by Parliament for a period of six years. Parliament has the right to recall the Chief Public Prosecutor before the expiration of his term of office.

2) The Chief Public Prosecutor is responsible and accountable to Parliament in respect of his official activities.

3) Public prosecutors are appointed by the Chief Public Prosecutor.

4) The machinery of the prosecution of offenders is under the general direction of the Chief Public Prosecutor's office.

Article 44.

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693 Public prosecutors proceed independently of the central and local administrative and executive organs of the state.

SECTION EIGHT

The Rights and Duties of Citizens.

Article 45.

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641 1) The Hungarian People's Republic guarantees for its citizens the right to work and the right to remuneration in accordance with the quantity and quality of the work done.

2) This right is implemented by the Hungarian People's Republic by means of the planned development of the forces of production and by a manpower policy based on economic planning.

Article 46.

642
466 1) The Hungarian People's Republic ensures the right of rest and recreation for its citizens.

2) This right is implemented by the Hungarian People's Republic by means of a legally determined working day, holidays with pay and the organization of the rest and recreation of the workers.

Article 47.

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745 1) The Hungarian People's Republic protects the health of the workers and assists them in the event of sickness or disability.

2) The Hungarian People's Republic implements this protection and assistance by means of a comprehensive social insurance scheme and the organization of medical services.

Article 48.

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871 1) The Hungarian People's Republic ensures the right to education for every worker.

2) The Hungarian People's Republic implements this right by means of an extension to all of educational facilities, by means of a free and compulsory general schooling scheme, by the provision of secondary and higher schools, by educational facilities for adult workers and by financial aid to those receiving schooling of any kind.

Article 49.

1) The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights. 642* 641

2) Discrimination of any kind against any citizen on grounds of sex, religion, or nationality is a severely punishable offence.

3) The Hungarian People's Republic ensures to all nationalities living within its borders the possibility of education in their native tongue and the possibility of developing their national culture.

Article 50.

1) In the Hungarian People's Republic women enjoy equal rights with men. 642* 562

2) The equal rights of women are implemented by the safeguarding of their working conditions on a par with those of men, maternity leave with pay in the event of pregnancy, increased legal protection of mother and child, and a system of maternity and child welfare institutions.

Article 51.

The Hungarian People's Republic protects the institution of marriage and the family. 642* 594

Article 52.

The Hungarian People's Republic devotes special care to the education and development of the young and accords them special protection. 642* 855

Article 53.

The Hungarian People's Republic effectively supports all scientific work serving the cause of the working people, as well as the arts which depict the life and struggle of the people and proclaim the victory of the people. It gives every support to the emergence of intellectual workers faithful to the people. 642* 815 517

Article 54.

1) The Hungarian People's Republic safeguards the liberty of conscience of all citizens and the freedom of religious worship. 642* 641

2) In order to ensure the liberty of conscience, the Hungarian People's Republic separates the Church from the State. 642* 659

Article 55.

642 641 1) In accordance with the interests of the worker the Hungarian People's Republic ensures for its citizens freedom of speech, freedom of the press and freedom of assembly.

2) In order to implement these freedoms, the state places at the disposal of the workers the material resources required.

Article 56.

1) In order to develop the social, economic and cultural activities of the workers, the Hungarian People's Republic constitutionally guarantees the right of organization.

2) In fulfilling its tasks, the Hungarian People's Republic bases itself on the organizations of the class-conscious workers. In order to defend the people's democracy, promote participation in socialist construction, widen the scope of cultural and educational work, implement the rights of the people and develop international solidarity, the workers establish trade unions, democratic organizations of women and young people as well as other mass organizations and put into practice the close co-operation and democratic unity of the industrial, agricultural and intellectual workers. The leading force in such political and social activities is the working class, led by its advance guard and supported by the democratic unity of the whole people.

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Article 57.

The Hungarian People's Republic safeguards the freedom and inviolability of the person, the privacy of the home and the correspondence of its citizens.

Article 58.

1) The Hungarian People's Republic guarantees these rights and freedoms to all workers living within its borders.

2) Foreign citizens, persecuted for their democratic attitude or their activities in the interests of the liberation of the peoples, enjoy the right of asylum in the Hungarian People's Republic.

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Article 59.

It is the fundamental duty of all citizens of the Hungarian People's Republic to defend the property of

the people, consolidate social assets, increase the economic strength of the Hungarian People's Republic, raise the living standard and cultural level of the workers and strengthen the people's democratic system. 642* 641

Article 60.

Military service is the honorable duty of the citizens of the Hungarian People's Republic in accordance with the law on universal military service. [702]

Article 61.

1) Defence of the home country is the sacred duty of all citizens of the Hungarian People's Republic. 642* 687

2) Treason, violation of the military oath, desertion to the enemy, espionage and every action detrimental to the military strength of the country, — constituting a betrayal of the cause of the country and of the workers, — is subject to the severest penalties of the law.

SECTION NINE

The Electoral System.

Article 62.

1) Members of Parliament are elected by the citizens of the Hungarian People's Republic on the basis of universal, equal, and direct suffrage by secret ballot. 642* 666

2) The elected members are accountable to their constituents.

3) The constituents have the right to recall their elected member of Parliament.

Article 63.

1) All citizens of the Hungarian People's Republic who are of age have the right to vote.

2) Enemies of the working people and those who are unsound of mind are excluded from the suffrage by law.

Article 64.

At elections every citizen entitled to vote has one vote and all votes are equal.

Article 65.

All citizens who have the vote are eligible for election.

Article 66.

Details of the election and recall of members of Parliament are laid down in a special Act of Parliament.

SECTION TEN

The Coat of Arms, the Flag and the Capital of the Hungarian People's Republic.

Article 67.

The coat of arms of the Hungarian People's Republic is:

A hammer and ear of wheat in a round blue field surrounded by a wreath of wheat; in the upper part of the field a five-pointed red star radiating rays onto the field: below the field a band in the colours red, white, and green.

Article 68.

The flag of the Hungarian People's Republic is of horizontal bands of red, white and green with the arms of the Hungarian People's Republic in the centre.

Article 69.

The capital of the Hungarian People's Republic is the city of Budapest.

SECTION ELEVEN

Final Provisions.

Article 70.

1) The constitution of the Hungarian People's Republic enters into force on the day of its promulgation. Its enforcement is the duty of the Council of Ministers.

2) The Council of Ministers has the duty of submitting to Parliament the bills required for the implementation of the constitution.

Article 71.

1) The constitution is the fundamental law of the Hungarian People's Republic.

2) The constitution as well as all constitutional enactments are obligatory for all organs of state power and all citizens alike.